# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee: Planning

Date: 7<sup>th</sup> June 2022

Address/Location: Land Adjoining, Naas Lane Quedgeley Gloucester

Application No: 22/00355/REM

Ward: Quedgeley Fieldcourt

Expiry Date: 1st June 2022

Applicant: Taylor Wimpey

Reserved matters application for approval of appearance, landscaping, layout

and scale for 97 dwellings, provision of Green Infrastructure including surface

Proposal: water attenuation and play space and other related infrastructure including foul

water pumping station (pursuant to outline planning permission ref. 18/01228/OUT). Resubmission of application ref. 21/00317/REM

Report by: Caroline Townley

Site Location Plan

Appendices: Proposed Layout Plan

Decision Notice for Outline Planning Permission ref. 18/01228/OUT

#### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site has an area of 4.52 hectares and is located on the south eastern edge of Gloucester. To the east the site is bounded by the main Gloucester to Bristol railway line which runs north to south along a short section of elevated bank before crossing over Naas Lane to the northeast of the site. The north of the site is defined by Naas Lane and Dimore Brook. To the south west is the residential development at Hunts Grove and to the west are existing residential houses. The site is bounded by field hedgerows with an existing field gate into the site from Naas Lane and is a generally flat, undeveloped greenfield site. The application site also includes a thin strip of land extending north of Dimore brook running to Naas Lane between the car park for SMH Fleet Solutions and the Fosters Poultry site.
- 1.2 Vehicular access to the site is currently limited to a single field gate off Naas Lane. There are two unsurfaced Public Rights of Way that cross the site. Quedgeley Footpath 19 runs east to west adjacent to Dimore Brook and Quedgeley Footpath 20 which runs north to south through the site parallel to the railway line.
- 1.3 An application for outline planning permission was submitted in 2018 for the erection of up-to 97 dwellings together with access from Naas Lane, provision of Green Infrastructure including surface water attenuation and play space and other related infrastructure including foul water pumping station and vehicular access to 2 Brooklyn Villas. All matters were reserved for future consideration with the exception of the means of access which was proposed from Naas Lane.
- The outline application was reported to the Planning Committee on 4<sup>th</sup> August 2020 (18/01228/OUT). At this meeting the Committee resolved:

That the grant of outline planning permission be delegated to the Business Transformation Manager (Planning) subject to the conditions and the completion of a Section 106 agreement to secure the following:

25% of the total number of dwellings with a tenure mix of 75% affordable rented units

and 25% shared ownership units;

- The establishment, funding, operations and responsibilities of a Management Company to manage the Public Open Space.
- A minimum of 1.05ha of on-site POS to include the provision of a LEAP and MUGA.
- A contribution of £373,163.37 for formal sports, for the improvement of existing outdoor facilities in the area, as detailed in paragraph 6.25 above.
- A contribution of £349.60 per dwelling as an off-site contribution towards additional allotment provision at Netheridge.
- A total contribution of £1,663,561.21 for towards education
- A contribution of £19,012 towards libraries
- A Travel Plan Bond Contribution of £35,550 and associated monitoring fee of £5,000
- 1.5 The outline planning permission was subsequently granted subject to conditions on 4<sup>th</sup> March 2021 following the completion of the Legal Agreements.
- The current application seeks the approval of reserved matters (appearance, landscaping, layout and scale) for 97 houses together with the provision of Green Infrastructure including surface water attenuation, play space and other related infrastructure including a foul water pumping station.
- 1.7 It is proposed to provide a mix of dwelling types from 1 bed apartments to 4 bedroom houses with a variety of house types from detached and semi-detached housing to smaller groups of terraced houses, an apartment block and a bungalow. The overall housing mix comprises 6 no. one-bed apartments, 1 no. one-bed bungalow, 11 no. two-bed houses, 36 no. three-bed houses and 43 no. four -bed houses. Of the 97 dwellings, 73 are proposed as open market with 24 units (25%) of the development proposed as affordable housing. Sustainable Urban Drainage Systems are proposed to provide both wet and dry attenuation.
- 1.8 Vehicle access to the development site is proposed via a simple priority junction from Naas Lane by way of a new junction located between an existing farm access and water infrastructure on the southwestern side of Naas Lane. The means of access was determined and agreed as part of the outline planning application.

#### 2.0 RELEVANT PLANNING HISTORY

- 2.1 This site has been assessed through the SALA, (ref. EA03,) process as part of a larger parcel of land known as 'Land East of Waterwells Business Park'. The site was previously part of an employment allocation in the Second Deposit City of Gloucester Local Plan (2002) and was included in the City Plan Sites Consultation in 2013 as a development opportunity. However, due to changing circumstances with development both on the Gloucester fringe and in Stroud district the site was considered to be more suitable for residential use by the time of the 2017 City Plan consultation.
- Outline planning permission for the erection of up-to 97 dwellings together with access from Naas Lane, provision of Green Infrastructure including surface water attenuation and play space and other related infrastructure including foul water pumping station and vehicular access to 2 Brooklyn Villas was granted 0n 4<sup>th</sup> March 2021 (ref. 18/01228/OUT). All matters were reserved for future consideration with the exception of the means of access which was proposed from Naas Lane.
- 2.3 An application for approval of reserved matters was subsequently submitted in 2021 (ref.

21/00317/REM). This application was withdrawn and replaced by the current application as a result of the cyber incident.

#### 3.0 RELEVANT PLANNING POLICY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

# 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

# 3.3 **Development Plan**

# Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include:

SP1 - The need for new development

SP2 – Distribution of new development

SD3 – Sustainable design and construction

SD4 – Design requirements

SD6 - Landscape

SD8 - Historic Environment

SD9 - Biodiversity and geodiversity

SD10 – Residential development

SD11 – Housing mix and standards

SD12 - Affordable housing

SD14 - Health and environmental quality

INF1 –Transport network

INF2 - Flood risk management

INF3 - Green Infrastructure

INF4 – Social and community Infrastructure

INF6-Infrastructure delivery

INF7 – Developer contributions

# 3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 215 of the NPPF states that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

# 3.5 Emerging Development Plan

# **Gloucester City Plan**

The Gloucester City Plan ("City Plan") will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The hearing sessions for the examination of the pre-submission version of the Gloucester City Plan (City Plan) have concluded and the examining Inspector's post hearing letter has been received. The letter provides the inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required.

The Plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

Relevant policies from the emerging Gloucester City Plan include:

- A1 Effective and efficient use of land and buildings
- A2 Affordable housing
- A6 Accessible and adaptable homes
- C1 Active design and accessibility
- E2 Biodiversity and geodiversity
- E5 Green infrastructure: Building with nature
- E6 Flooding, sustainable drainage, and wastewater
- E8 Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 Materials and finishes
- F2 Landscape and planting
- F3 Community safety
- F6 Nationally described space standards
- G1 Sustainable transport
- G2 Charging infrastructure for electric vehicles

# 3.6 Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following "day-to-day" development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

- OS.2 Public Open Space Standard for New Residential Development
- OS.3 New housing and open space
- OS.7 New areas of Public open space
- A.1 New housing and allotments

# 3.7 **Supplementary Planning Guidance/Documents**

A Planning Brief for Land East of Waterwells Business Park (Interim Adoption SPD) was produced in 2009. This Planning Brief included the current application site together with land to the north and west and identified the wider site as being suitable for B1 employment use together a site for the Showman's Guild. The allocation also stated that the City Council was prepared to consider the inclusion of a limited element of residential development if it could be shown that this was necessary as enabling development. The Planning Brief is a material consideration with limited weight. Whilst much of the site context and constraints remain accurate, the brief was written pre-NPPF and JCS adoption and contains references to abolished plans (RSS) and superseded policies.

https://www.gloucester.gov.uk/media/2286/lewbppbinterimadoption140909adopted0909.pdf

All policies can be viewed at the relevant website address:- national policies: <a href="https://www.gov.uk/government/publications/national-planning-policy-framework--2">https://www.gov.uk/government/publications/national-planning-policy-framework--2</a> Gloucester City policies:

http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx

#### 4.0 **CONSULTATIONS**

# 4.1 Highway Authority

Layout

No indicative street typography has been submitted at this stage however the developments lay out shows that a high level of cycle and pedestrian movement around and throughout the site can be achieved safety.

The site has cycle and pedestrian permeability to the north and south through the site.

The level of permeability through the site is welcomed.

It is considered that as shown the proposed site plan/ Lay out there is the physical ability to provide the high quality of sustainable travel infrastructure expected.

At highway agreement stage the development will need to provide cycle infrastructure which meets LCn1/20 standards.

Level surfaces are permitted and welcomed, however there should be some form of separation between pedestrian and vehicular areas. This can be achieved via subtle placement of a range of street furniture. The overarching design of the level surface should be to make a drive feel like they are in a pedestrian area to ensure speeds are kept low.

Although an indicative street typography has not been shown, there are a number of darker grey sections of carriageway of the spine road, these look to be raised tables or level surfaces. In the proposed locations these level surfaces/raised tables are suitable.

# Car and Cycle parking

Cycle parking will be required to be shown with secure convenient and weatherproof cycle parking provided for all types of residential units. Cycle parking should be in line with MFGS standards

The proposed quantum of off-street car parking should be provided in line with MfGS minimum standards.

The current lay out shows that plot sizes and the indicative lay out of the highway will be able to physically provide for the estimated quantum of car and cycle parking.

Visitor parking can be provided in off street locations but should be located as to not obstruct the flow of traffic, cycle infrastructure or the path of larger vehicles.

Electric vehicle charging should be provided in line with the specification made in the 2021 revision of the MfGS. The current proposed lay out highlights no barriers as to why this cannot be achieved at present.

# Servicing, deliveries and refuse collection

Swept paths have not been provided to show that vehicles can turn within the internal sections of the site. Neither have any specific loading areas been provided.

Turning heads have been proposed which are of a size that can accommodate an 11.2m refuse vehicle and other facilities internally which can accommodate other service/ emergency vehicles when required.

# Landscaping

None of the proposed landscaping looks to impact on and forward visibility or driven/pedestrian visibility splays.

# Summary/recommendation

While very little information relating to the proposed street typography or highway design has been submitted it is clear that the development can physically provide the following:

- Safe usable local highway network
- Pedestrian and cycle movement
- Turning of large vehicles
- Suitable levels of off-street parking

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 recommends that this application be approved subject to conditions.

#### 4.2 **Network Rail**

No objections in principle to the details provided.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start.

#### 4.3 Public Rights of Way Officer

Supports in principle any move to provide a cycleway through the site on the line of the existing PROW, (providing there's no financial burden for GCC-PROW Team).

It appears that Footpaths EQU/19 and 20 will be tarmacked which is acceptable. Each path should be tarmacked to a width of 2.0m and constructed to GCC specifications.

EQU/19 runs across the north western corner of the site. The tarmacked route now indicated on the plans doesn't match the historic route for this path. No issues are raised with this minor 'diversion' if it means the footpath route fits the site layout better. However, the applicant should apply for a legal diversion order if this is going to be the future recognised route for the footpath under section 257 TCPA 1990. The order needs to be made and confirmed before the development is substantially complete, so the applicant should apply as soon as possible to allow time for the legal process to run.

The design for a suitable anti-vehicle barrier at the point where EQU/19 exits/enters the site by Brooklyn Villas must be agreed with GCC PROW/Highways.

There is currently a stile on EQU/19 where it junctions with Naas Lane almost adjacent to the main access road into the estate. This should be removed to leave a 2m wide gap in the boundary fence/hedge.

At the northern end of EQU/20 the existing gate should be upgraded to a staggered roadside safety barrier and the tarmac extended on the roadside verge so there is a continuous surfaced path all along EQU/20 as far as the tarmac carriageway of Naas Lane. All to be agreed with GCC PROW/Highways. The redundant footpath signs here should be removed and replaced with new, by agreement with GCC-PROW.

At the southern end of EQU/20, the existing stile must be removed as it's no longer needed.

Off-site works: The proposed surfacing of Footpath EQU/19 as it runs in front of the existing dwellings to the west of the site (Brooklyn Villas, Ferndale Villa and Fairfield Villa) to link up with the nearby Crest Nicholson site will need to be included in a s278 agreement.

An additional plan indicating the proposed Public Rights of Way Access arrangements has been submitted and has been sent to the PROW Officer for consideration.

# 4.4 Natural England

Natural England had no further comments to make on this reserved matters application over and above our previous advice letter dated 1<sup>st</sup> January 2020 which advised the following:

No objection subject to appropriate mitigation being secured to ensure that the development would not:

- Have an adverse impact on the integrity of the Cotswold Beechwoods Special Area of Conservation; and
- Would not damage or destroy the interest features for which the Cotswold Commons and Beechwoods Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, 40% of the site should comprise green infrastructure including public open space. It is advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### 4.5 Landscape Adviser

Requested a number of changes to the species of trees to provide more appropriate species that better adapt to climate change, are more common in the Severn Vale (lowland) landscape and to maximise the benefits to wildlife and

Additional planting is required to the basin area, as this is still looking very engineered in appearance. A native scrub mix and/or marginal wetland planting would be appropriate.

Drifts of native bulbs into the POS areas – to provide early food sources for insect pollinators. Include drifts of native bulbs all along the NW 'wildlife walk' strip as well.

Amended plans have now been submitted to address the issues raised above and the Landscape Adviser has confirmed that the proposed landscaping scheme is acceptable.

#### 4.6 **Arboriculturist**

#### Existing Trees

The site is affected by a Tree Preservation Order (TPO). There are 6no. trees around the periphery of the site protected. The protected trees are all proposed for retention.

No specific details of how the existing trees will be protected in accordance with BS 5837(2012) has been submitted and there is at least 1no. protected tree on the eastern boundary where a proposed turning head appears to be proposed to be installed within its RPZ. Condition 19 on the outline planning permission requires this information to be provided prior to the

commencement of any development.

Semi-permanent reptile fence is proposed to be installed during construction, but posts are proposed to be sandbagged wherein any RPZ's (this is welcome).

#### Proposed Tree Planting

The proposed tree planting scheme in terms of number and location is generally acceptable.

The application proposes a fair level of street line cover on the main arterial route into the development. The proposed community Orchard is welcome, and the areas of POS are fairly covered.

Agree with the Landscape Advisers comments in respect to the proposed species which will need amending.

There are also some important maintenance and management prescriptions laid out proposed tree installation, management and maintenance documents. It is not uncommon for planting schemes to be installed in accordance approved plans, then to not be maintained appropriately, resulting in trees not surviving. It is important that a planning condition be applied to any permission to ensure the management and maintenance documents are enforceable.

#### Conclusion

No objection subject to the proposed tree species being amended in line with the Landscape Consultants advice and a number of conditions.

# 4.7 Open Space and Playing Pitch Adviser

No objection has been raised to the proposed public open space provision, LEAP or MUGA which are all in accordance with the principles agreed at the outline stage.

Additional detailed information has been requested in relation to the LEAP and MUGA relating to signage, fencing, gates and surfacing. An update on these matters will be provided at the Committee meeting.

# 4.8 **Ecology Adviser**

Due consideration has been given to protected species mitigation (notably reptile mitigation and minimising site lighting to reduce impacts on foraging bats), the protection of existing ecologically valuable habitats and proposed habitats of ecological value. However, clarification is required on the following:

- Details of the habitat areas for proposed and retained habitats in relation to the overall site area are required to confirm that there is 40% green infrastructure within the development in accordance with the requirements of condition 6.
- With reference to conditions 11 and 12, the lighting strategy generally avoids natural habitats around the periphery of the site and uses 'warm light' for bats. However, it appears that there will be light s/pill, (although low), into the brook area on the northeast corner. Clarification is required as to how much light spill will affect the brook and associated habitat.
- The Home Owner Information pack has yet to be submitted for review condition 16 does not, however, require this information to be submitted at this stage.

The applicant had been requested to provide additional information/clarification to address the outstanding issues raised and the response and any further advice from the Ecologist will be reported at the Committee meeting.

#### 4.9 Contaminated Land Adviser

No further comments on the basis that contaminated land conditions are attached to the outline planning permission.

# 4.10 **Drainage Adviser**

Condition 7 on the outline planning permission requires the submission a detailed drainage strategy, in accordance with the principles set out in the approved Drainage Strategy Report (Report No. 11093/01A). The condition requires that strategy must include detailed design, a timetable for its implementation, demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development.

The Drainage Adviser is satisfied that the requirements of condition 7 have been met.

Condition 8 on the outline planning permission requires a SuDS management and Maintenance plan to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. This information has not yet been provided.

# 4.11 Lead Local Flood Authority (LLFA)

Awaiting comments.

#### 4.12 **Severn Trent Water**

No comments have been received.

#### 4.13 Environmental Protection Adviser

The submitted noise assessment appears acceptable. The glazing and ventilation specifications detailed in Table 6.2 should be implemented.

# 4.14 City Archaeologist

The archaeological evaluation has been completed. The investigation found no evidence for archaeological remains.

# 4.15 Housing Strategy and Enabling Officer

The reserved matters application is in line with the outline consent with regards to Affordable Housing, as such the mix, type and tenure of Affordable Housing is agreed and will meet the priority housing need within the City.

Subject to clarification on the following issues the application is supported:

- The suitability for the M4(3) bungalow for immediate occupation by a wheelchair user.
- That the Nationally Described Space Standard (NDSS) is met.
- That the Affordable Housing is suitably located on the development to ensure a mixed and balanced community.

# Market Housing mix

The proposed open market housing mix does not reflect the Local Housing Needs Assessment (LHNA) and an increase in the number of two-bedroom market houses would be welcomed.

Additional information together with a plan addressing comments on the clustering of the affordable housing units has been submitted. The advice of the Housing Strategy and Policy Manager in relation to the additional information/amendments will be reported at Committee.

# 4.16 Urban Design Adviser (comments in relation to 21/00317/REM)

Previous comments in relation to the character of the streets have been incorporated into the revised designs and the amendments are considered to be positive.

#### 4.17 **Stroud District Council**

No comments received

# 4.18 Quedgeley Town Council

No comments received.

#### 4.19 Hardwicke Parish Council

No comments received.

#### 4.20 Waste Minimisation

No objection.

# 5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified, press and site notices were published and displayed.
- 5.2 One representation has been received raising the following issues:
  - Questions the plans for building the "future access to 2 Brookland Villas".
  - There appears to be a footway round the attenuation pond that leads into the front garden of 2 Brookland Villas.
  - What is the plan for the adjoining boundary fence.

#### 6.0 **OFFICER OPINION**

# Legislative background

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.
- 6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:
  - a) the provisions of the development plan, so far as material to the application;
  - b) any local finance considerations, so far as material to the application; and
  - c) any other material considerations.
- 6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.
- Outline planning permission has been granted for this site on 4<sup>th</sup> March 2021 (ref. 18/01228/OUT). All matters were reserved for future consideration with the exception of the means of access which was proposed from Naas Lane. The principle of development has therefore been established and the current application is seeking approval of the matters reserved at the outline stage only, (appearance, landscaping, layout and scale).

It is considered that the main issues with regards to this application are as follows:

- Access
- Layout
- Scale
- Appearance
- Landscaping
- Affordable Housing and Housing Mix
- Open Space and Recreation
- Residential Amenity
- Drainage and Flooding
- Ecology

#### Access

- Paragraph 111 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.
- 6.6 Vehicle access to the development site is proposed via a simple priority junction from Naas Lane by way of a new junction located between an existing farm access and water infrastructure on the southwestern side of Naas Lane.
- 6.7 This means of access was considered and approved as part of the outline planning application.
- 6.8 The Local Highway Authority has confirmed that the development can provide for a safe usable local highway network, pedestrian and cycle movement, the turning of large vehicles and suitable levels of off-street parking and no highway objection is raised.

# Layout

- The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network. These design aspirations are also reflected in the emerging City Plan.
- 6.10 Policy SD4 part ii states that: "New development should create clear and logical layouts that contribute to a strong and distinctive identity and which are easy to understand and navigate. This should be achieved through a well-structured and defined public realm, with a clear relationship between uses, buildings, routes and spaces, and through the appropriate use of vistas, landmarks and focal points."
- Whilst the detail of the access, layout, scale, appearance and landscaping of the development are "reserved matters" it was necessary for the Local Planning Authority at the outline stage to consider whether the site could accommodate up to 97 homes whilst providing a high quality urban environment.
- 6.12 An illustrative masterplan was submitted with the outline application to demonstrate that the site could satisfactorily accommodate the quantum of development. This showed a landscape led masterplan, the general structure and illustrative information on appearance, design principles and the mix of units were considered acceptable and satisfactorily demonstrated that 97 dwellings could be accommodated on the site in an acceptable manner.
- 6.13 The proposed layout generally follows the principles set out in the illustrative masterplan with the provision of 97 dwellings together with the areas of public open space, footpaths, play spaces in the form of a LEAP and MUGA, green infrastructure, SUDs attenuation pond, foul pumping station and electricity substation.
- 6.14 The proposed layout follows a central perimeter block arrangement to provide security and provide overlooking of public spaces with a centrally located primary street providing access to a number of smaller, more informal shared surface streets. The back to back distances between properties are all between 20-21 metres. With the exception a few plots garden

depths are generally a minimum of 10m in depth which given the generous amount of open space within the site is considered acceptable.

- 6.15 The proposal would incorporate the children's play areas with the inclusion of a LEAP and MUGA in accordance with the requirements of the S106 Agreement.
- 6.16 In accordance with the requirements of the outline permission 40% of the site would be provided as green infrastructure. The proposed layout would provide 1.83 ha (40.49%) of the site area as public open space provision. The layout would also incorporate the minimum landscaping buffers to the site boundaries and adjacent to Dimore Brook, as required by condition 11, with a 10m wide buffer along the eastern, north eastern and southern boundaries, a 5m wide buffer along the western boundary and a 10m buffer, clear of development adjacent to Dimore Brook.
- 6.17 The existing public rights of way would be routed through the open space with a minor diversion to EQU19 and upgraded with hard surfacing materials.
- 6.18 A new vehicle access would be provided to the adjacent property at 2 Brooklyn Villas along the western boundary of the site off a shared drive from the main access road. This would be constructed to adoptable standards.
- Dwellings along the eastern boundary of the site would be set back and orientated to minimise any noise impact from the adjacent railway line. The Environmental Protection Adviser has confirmed that the submitted noise assessment is acceptable subject to the inclusion of the recommended glazing and ventilation specifications. The eastern boundary adjacent to the railway line would be fenced and screened with planting to provide security.
- Overall, it is considered that the layout of the proposal accords with the requirements of policy SD4 of the JCS and the requirements of the outline planning permission.

#### Scale

- 6.21 The NPPF states that new residential developments should be of high quality design create attractive places to live, and respond to local character integrating into the local environment. Part i of Policy SD4 states that new development should be: "...of a scale, type, density and materials appropriate to its setting."
- 6.22 The development is predominantly 2-storey houses with pitched roofs and single storey pitched roof garages together with a 2-storey apartment block in the south eastern corner of the site. There are also a number of 2.5-storey houses in the centre of the site along the main spine road and one bungalow and it is considered that the scale is acceptable and accords with the principles set out at the outline stage, is appropriate in the context of the existing houses to the west of the site and the newer developments in the wider area.

### **Appearance**

- The NPPF states that new residential developments should be of high quality design create attractive places to live. Policy SD4 also seeks appropriate materials for the setting of the development. Policy SD4 seeks to achieve good design by agreeing materials that are appropriate to the site and its setting. Table SD4c expands on this and states that materials should be of high quality and suited to their setting and purpose.
- 6.24 The predominant materials of the adjacent houses and the newer developments in the vicinity are red brick and render.
- 6.25 The applicant has proposed a variety of standard house types across the site with a range of 1 to 4 bedroom dwellings across the scheme with varying external finishes comprising a mixture

of two different red bricks and a rough dressed reconstituted stone with a combination of blue/black fibre cement slates and rustic red duoplain tiles.

6.26 Overall, it is considered that the appearance of the dwellings and the overall development is acceptable would conform to the requirements of SD4 of the JCS.

# Landscaping

- 6.27 Part iv of Policy SD 4 seeks to ensure that landscape areas, open space and public realm are of high quality, provide a clear structure and constitute an integral and cohesive element within the design. Policy SD6 which seeks to ensure that development considers the landscape sensitivity of the area in which they are located.
- 6.28 As the proposal is a reserved matters application following the previous granting of outline planning permission, the principle of the development in this landscape and environment has already been considered. It is therefore the quality of the landscape provision within the proposed development is the issue to be assessed.
- 6.29 An illustrative masterplan was submitted with the outline application showed a landscape led masterplan with a minimum of 40% of the site to be provided as green infrastructure.
- 6.30 In general terms the principles and objectives of the Design and Access Statement submitted at the outline application have been followed. The development includes:
  - The retention and reinforcement of the existing tree and hedgerows to the perimeter of the site.
  - The retention of grassland in the south eastern part of the site to be used as a receptor area for reptile translocation.
  - The provision of high quality formal and informal open spaces.
  - Increased biodiversity and enhanced wildlife habitats including a new wetland feature, grasslands, scrub and hedgerows.
  - A community orchard in the south eastern corner.
- Amended landscape plans have been submitted to address the comments received from the Landscape Adviser and the Tree Officer. These amendments satisfactory address all of the concerns raised, and it is considered that the proposal accords with the principles established at the outline stage and with the relevant policies.

#### **Affordable Housing and Housing Mix**

- The NPPF states that where local authorities have identified the need for affordable housing, polices should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area.
- 6.33 The provision should include a balanced mix of dwelling types, sizes and tenures to meet the identified needs of the area and to contribute to mixed communities and a balanced housing market.
- 6.34 The Section 106 Agreement requires the provision of 25% affordable housing in a mix of 75% affordable and social rented homes and 25% shared ownership. The reserved matters application is in line with the outline consent and as such the mix, type and tenure has been agreed. A total of 24 units are proposed comprising:

#### Affordable rent

- 6 no. one-bed apartments
- 1 no. one-bed bungalow

- 4 no. two-bed houses
- 4 no. three-bed houses

#### Social rent

• 3 no. four-bed houses

#### Shared ownership

- 4 no. two-bed houses
- 2 no. three-bed houses
- 6.35 The Strategic Housing and Project Manager requested clarification on a number of matters and requested amendments to the layout to improve the clustering of the affordable units. Amended plans to address the clustering and further information has been received. The advice of the Strategic Housing and Project Manager on these amendments will be reported Committee.
- 6.36 The proposed open market mix of houses comprise 7 no. two-bed houses, 20 no. three-bed houses and 40 no. four-bed houses. The mix was amended to better reflect the Local Housing Needs Assessment (LHNA). Whilst it is acknowledged that this still does not meet the LHNA the proposal would contribute towards providing a mixed and balanced housing development and on balance it is considered acceptable in this instance.
- 6.37 It has been confirmed that all the proposed house types with the exception of one (PA25) meet the National Described Space Standards (NDSS). The PA25 house type is a small open market 2 bedroom house, of which 7 are proposed. This house type would have a floorspace of 64 m² compared to the 70m² specified by the NDSS. The applicant has indicated that this house type has been designed to provide small affordable open market homes. Overall, 93% of the proposed dwelling across the site would comply with the NDSS and, on balance when considering the overall benefits of the scheme this is considered acceptable.

## **Open Space and Recreation**

- 6.38 The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the council's requirements for open space.
- 6.39 In accordance with the outline planning permission the application proposes 40% of the site (1.75ha) as Green Infrastructure, the majority of which would comprise of accessible open space. The Section 106 secured the provision of a LEAP (Local Equipped area for Play) and a MUGA (Multi-Use Games Area) within the site, together with an off-site contribution towards formal sports provision towards the improvement of existing outdoor sports facility in the area.
- The proposed locations and general arrangements LEAP and MUGA with the requirements of the S106 and are acceptable. Additional detailed information has been requested to address the outstanding comments of the City Council's Public Open Space Adviser and an update on any outstanding issues will be provided at the Committee meeting.
- 6.41 A contribution towards off-site allotment provision was also secured as part of the outline permission and this is unaffected by the current application.

#### Residential amenity

Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

- There are existing residential properties immediately adjacent to the west of the application site. It is recognised that the relationship between the proposed development and the existing houses is particularly sensitive and that there will be a significant change from the existing situation. In accordance with the principles established at the outline stage there is a 5m wide landscaped buffer along the western boundary. No. 2 Brooklyn Villas adjoins the application site along the western boundary and comprises of the main house with a large rear garden including a number of outbuildings and outdoor swimming pool. The proposed attenuation pond would be sited next to the main house and as such there would be no direct overlooking of the side of the property. Plot 1 would be locate approximately 6.5m from the western boundary adjacent to the outbuildings at 2 Brooklyn Villas and has no windows in the side elevation. The proposed plots fronting the land to the rear of the existing properties are considered to be an acceptable distance from the boundary with a minimum distance of 10m. Given the orientation of the proposed new houses, the distances involved and the considerable land to the rear of the existing properties the proposed relationships are considered to be acceptable.
- 6.44 The relationships between the proposed new dwellings are considered to be acceptable to ensure that the future occupiers would have a good outdoor amenity space and that there would not be undue overlooking between dwellings.

# Drainage and flood risk

- The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.46 The outline application was supported by a Flood Risk Assessment and Drainage Strategy (FRA) which states that the site is entirely in Flood Zone 1 (area at lowest risk of flooding) and concludes that the proposed development would not be at risk of flooding from all sources.
- Information submitted with the outline application indicated that the management of surface water runoff from the site by SuDS is feasible with an attenuation based surface water strategy. The proposed surface water discharge rates were considered acceptable and the Drainage Advisor was satisfied that there is adequate space for drainage basins to be provided within the site and overall, the drainage strategy was considered to be acceptable.
- The outline planning permission included of conditions requiring the submission, approval and implementation of a detailed drainage strategy together with SuDS management and maintenance plan. This information was submitted as part of the reserved matters application and the Drainage Adviser had confirmed that the information is acceptable. It is therefore considered that the proposal accords with the requirements of Policy INF2 of the JCS and the relevant sections of the NPPF and is acceptable in this regard.

#### **Ecology**

The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan requires the conservation of biodiversity and providing net gains, and also policy E8 specifically restricting development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation and the effects cannot be mitigated.

#### **Habitats Regulation Assessment**

6.50 European designated sites, such as Special Areas of Conservations (SAC), are afforded strict protection under the Conservation of Habitats and Species Regulation 2017 (The Habitats

Regulations). Local Planning authorities have a legal obligation to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to permit an application to ascertain any adverse effects on the integrity of the protected site. The process by which this is assessed is known as a Habitats Regulations Assessment (HRA).

- 6.51 An Appropriate Assessment under Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended) was undertaken at the outline application stage by the City Council's Ecology Advisor. The Assessment acknowledged and welcomed that 40% of the site area will be dedicated to POS / Green Infrastructure and was secured by condition. In addition, the submitted plans indicating the footpath connectivity and availability of public open space and recreational facilities in the area demonstrated sufficient locally accessible green space around the development, which in combination with 40% of the Site dedicated for POS/Green Infrastructure provides sufficient green space for the local population to avoid undue impacts on the SAC.
- 6.52 It is was also recommended that every new home should receive documentation within the sales pack explaining the location and sensitivities of the SAC, how to avoid impacting them and recommending alternative locations for recreational activities such as off road cycling. This requirement was secured by condition and needs to be submitted to and approved in writing by the Local Planning Authority before the occupation of any dwelling.
- There are a number of conditions on the outline planning permission requiring the submission of further detailed information at the reserved matters stage (conditions 6, 11, 12, 13, 14 15, 16, 17 and 18). The Ecological Adviser has confirmed that due consideration has been given to protected species mitigation (reptile mitigation and minimising site lighting to reduce impact on foraging bats) together with the protection of existing ecologically valuable habitats and proposed habits of ecological value. Additional clarification has, however, been requested in respect of the light spill to the brook area and on the 40% green infrastructure provision. An update on these issues will be provided at the Committee meeting.

#### Conclusion

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of the provision of the, layout, scale, appearance and landscaping impact upon the amenity of any neighbours and the local area. Subject to final confirmation that the amended plans and additional information submitted in response to the advice of the POS Adviser, Ecological Adviser and Housing Strategy and Projects Manager is acceptable, it is recommended that these reserved matters be approved.

#### 7.0 RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER

That subject to no outstanding consultee objections APPROVAL of the reserved matters of layout, scale, appearance and landscaping be granted subject to the following conditions:

#### **Condition 1**

The development hereby permitted shall be carried out in accordance with the following approved drawings/documents except where these may be modified by any other conditions attached to this permission:

Final drawing numbers to be added as late material.

#### Reason

For the avoidance of doubt and in the interests of proper planning.

#### **Condition 2**

The development hereby permitted shall not be brought into use until the surface water drainage scheme for the site has been completed in accordance with the details shown on the approved plans and documents. The drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan submitted with the application.

#### Reason

To ensure development would not result in unacceptable risk of pollution or harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner.

#### **Condition 4**

Where excavations or surface treatments are proposed within the root protection areas (RPA) of retained trees and hedgerows, full details shall be submitted to and approved in writing by the local planning authority before any development starts. The RPA is defined in BS5837:2012. Details shall include the proposed locations of excavations and/or surface treatments, proposed methods & specifications of excavations and/or surface treatments and any post excavation remedial works. All excavations or surface treatments shall be carried out in accordance with the approved details.

#### Reason

To prevent damage to or loss of trees.

#### **Condition 5**

The development shall be carried out in accordance with the glazing and acoustic specification recommended in table 6.2 in the Noise Assessment prepared by Kairus Ltd (Project Reference AQ051788, Revision V1 DRAFT, Issue Date 1<sup>st</sup> February 2021).

#### Reason

To safeguard the amenities of future occupiers of the dwellings.

#### **Condition 6**

No dwelling shall be occupied until the access, parking and turning facilities for that individual building to the nearest public highway has been provided.

#### Reason

To ensure conformity with the submitted details in the interest of highway safety.

#### **Condition 7**

The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 meters back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of [Insert] meters in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 meters from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

#### Reason

In the interests of highway safety.

#### **Condition 8**

No dwelling shall be occupied until boundary fences/walls have been installed in accordance with the details indicated on the approved plan.

#### Reason

To ensure adequate provision for privacy and in the interest of visual amenity.

#### Note 1

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk. You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

# Note 3

All new streets must be tree lines as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

#### Note 4

This permission does not extinguish any rights of way which may exist over the site. A legal diversion order may be required under Section 257 of the Town and Country Planning Act 1990.

#### Note 5

There are trees in neighbouring properties that could be affected by the proposed development. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so.

Care will be required to minimise damage to the trees through the development activities such as ground compaction and root severance. You have a legal duty to exercise reasonable care in carrying out any works that may impact adjacent trees. Further information is available on Guide-to-Trees-and-the-Law

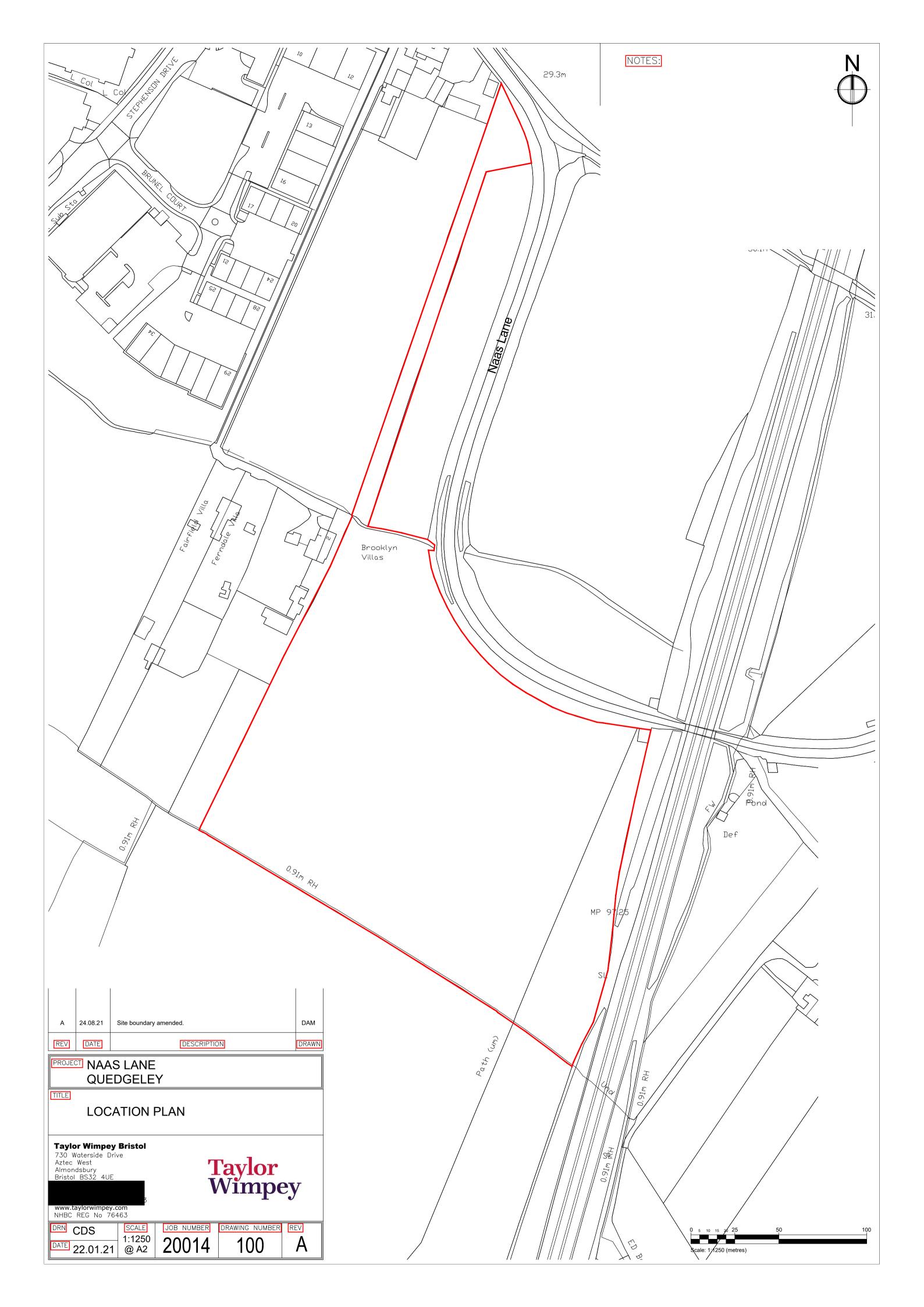
#### Note 6

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works

start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

**Person to Contact:** Caroline Townley (396780)









Development Control 4th floor Herbert Warehouse The Docks, Gloucester GL1 2EQ

Tel: 01452 396786

Email: development.control@gloucester.gov.uk Website: www.gloucester.gov.uk/planning

APPLICATION NO: 18/01228/OUT VALIDATED ON: 15th October 2018

TO:

A Smith
Custom Land Limited
c/o David Barnes
Star Planning and Development
140 Brandwood Road
Kings Heath
Birmingham
B14 6BX

# TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Location: Land Adjoining, Naas Lane, Naas Lane, Quedgeley, Gloucester

Proposal: The erection of up-to 97 dwellings together with access from Naas

Lane, provision of Green Infrastructure including surface water attenuation and play space and other related infrastructure including foul water pumping station and vehicular access to 2 Brooklyn Villas.

Outline application means of access not reserved.

In pursuance of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT OUTLINE PERMISSION** for the development described above in accordance with the terms of the above application and the plan/s submitted therewith subject to the following conditions:

#### **Condition 1**

- (a) approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the City Council.
- (b) application for approval of the reserved matters shall be made to the City Council before the expiration of 3 years from the date of this decision.

#### Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

#### **Condition 2**

The development hereby permitted shall be begun on or before the expiration of three years of the date of this decision, or 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

#### Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

#### **Condition 3**

This outline planning permission relates solely to the description of the development as set out in the Planning Application and development shall be undertaken in accordance with the submitted details, including the following documents and plans:

- Red Line Boundary Drawing No. 241-P-011
- The principles set down in the revised Design and Access Statement prepared by Urban Wilderness dated April 2019.

#### Reason

To define the terms of the outline permission.

#### **Condition 4**

The first application for the approval of reserved matters (and any subsequent reserved matters application) shall include a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the dwellings approved and a datum point outside of the site. Development shall be carried out in accordance with the approved details.

#### Reason

In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with Joint Core Strategy Policies SD10 & SD14.

#### **Condition 5**

Any application for the approval of reserved matters which includes details of the siting of any dwelling shall be accompanied by a noise assessment and, a scheme of noise attenuation measures to protect the dwelling units (internal/external amenity space). Any noise mitigation measures so identified shall be implemented prior to the first occupation of the dwellings so affected and shall be retained for the lifetime of the use.

#### Reason

To safeguard the future occupiers of the dwellings and amenity of the area in accordance with Policy SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

#### **Condition 6**

The first application for the approval of reserved matters shall include a Green Infrastructure parameters and safeguarding scheme, to be agreed in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved scheme with a minimum of 40% of the site area designated to public open space and green infrastructure.

#### Reason

In accordance with the principles of good design and the incorporation of biodiversity in and around developments as required in the NPPF, SD10 & INF4 of the JCS, to preserve protected habitats and to ensure no adverse effects on the integrity of the Cotswolds Beechwoods SAC and the Severn Estuary SPA, SAC and Ramsar Site as a result of the development in accordance with the Habitats Regulations 2017 and policy SD9 of the Joint Core Strategy.

#### Condition 7

The first application for approved matters shall include a detailed drainage strategy, this should be in accordance with the principles set out in the approved Drainage Strategy Report (Report No. 11093/01A). The strategy must include detailed design and a timetable for its implementation. The strategy must demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development.

#### Reason

To ensure the development is provided with a satisfactory means of drainage preventing the risk of flooding.

#### **Condition 8**

No dwelling shall be occupied until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

#### Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

#### **Condition 9**

The development hereby permitted shall not commence until a scheme for the disposal of foul water shall has been submitted to an approved in writing by the local planning authority. No dwelling shall be occupied until that part of the foul water drainage scheme which provide drainage to it has been constructed in accordance with the approved plans.

#### Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

#### **Condition 10**

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until parts A to E have been complied with:

- A. A preliminary risk assessment (a Phase I desk study) submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
- B. The detailed site investigation and risk assessment must be undertaken in accordance with the approved Scheme and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.

- C. Where the site investigation identified remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- D. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- E. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- F. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared; these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to control waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Condition 11

The first application for the approval of reserved matters pursuant to Condition 1 (and any subsequent reserved matters application) shall include a minimum 10 metre landscaped buffer along the eastern, north-eastern and southern boundaries and a minimum 5 metre landscaped buffer shall be retained along the western boundary. A 10 metre wide landscaped buffer shall be included along the northside of the brook. Unless otherwise approved in writing by the Local Planning Authority no built forms of development other than access as shown on Drawing No 100 Rev C, public rights of way (Quedgeley Footpath 19 and 20), the vehicular access to 2 Brooklyn Villas and surface water features, shall be erected within the buffers.

The details submitted pursuant to condition 15 shall include details of the method of construction and a scheme of supervision for the construction of the vehicular access, public rights of way and surface water features within the buffers. The scheme of supervision within the buffers shall be administered by a qualified ecologist and arboriculturist. The development shall be implemented in accordance with the details approved in writing by the Local Planning Authority.

Other than streetlighting for the vehicular access and if relevant the public rights of way the Lighting Strategy required by condition 13 shall not include external lighting within the buffers unless otherwise approved in writing of the Local Planning Authority.

# Reason

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### **Condition 12**

The first application for the approval of reserved matters shall include the submission of an external lighting strategy. The strategy shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include:

- I. A drawing showing sensitive areas and/or dark corridor safeguarding area;
- II. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- III. A description of the luminosity of lights and their light colour;
- IV. A drawing(s) showing the location and where appropriate the elevation of the light fixings;
- V. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR));

All external lighting shall be installed in accordance with the approved details and no other external lighting shall be installed.

#### Reason

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### **Condition 13**

The first application for the approval of reserved matters shall include a Landscape and Ecological Management Plan (LEcMP). The content of the LEcMP shall include, but not limited to the following:

- I. Description and evaluation of features to be managed.
- II. Ecological trends and constraints on site that might influence management.
- III. Aims and objectives of management including those in relation to dormice and bats.
- IV. Appropriate management options for achieving aims and objectives including appropriate enhancement measures.
- V. Prescriptions for management actions.
- VI. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- VII. Details of the body or organisation responsible for implementation of the plan.
- VIII. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer.
- IX. Ongoing monitoring and remedial measures.
- X. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

#### Reason

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### **Condition 14**

Notwithstanding the submitted details, no works shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include, but not limited to the following:

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of "biodiversity protection zones".
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset)
- v. The times during construction when ecological or environmental specialists need to be present on site to oversee works.
- vi. Responsible persons and lines of communication.
- vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similar person.
- viii. Use of protective fences, exclusion barriers and warning signs.
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

#### Reason

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### **Condition 15**

The first application for the approval of reserved matters shall include a detailed Reptile Mitigation Strategy and Management Plan, in accordance with the recommendation made in the Reptile Survey Report, dated 20/06/2018, published 23/10/2018, prepared by Focus Ecology Ltd. This may be included in the LEMP and CEcMP reports. The approved plan will be implemented in accordance with the approved details.

#### Reason

To safeguard biodiversity as set out by the Habitats Regulations 2017, the Wildlife and Countryside Act 1981 (as amended).

#### Condition 16

No dwelling shall be occupied until, details of an A4 sized colour leaflet and its method of distribution to each dwelling upon that dwelling's particular occupation, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to:

- i. the location and sensitivities of the Cotswold Beechwoods SAC,
- ii. how to avoid negatively affecting it,
- iii. alternative locations for recreational activities and off-road cycling, and
- iv. signposting of longer circular walks,
- v. how copies of the leaflet will be circulated with homeowner sales packs, and
- vi. recommendations for dog owners for times of year dogs should be kept on lead when using sensitive sites.

The approved details shall be implemented unless agreed otherwise in writing by the Local Planning Authority.

#### Reason

To ensure no adverse effects on the integrity of the Cotswolds Beechwoods SAC and the Severn Estuary SPA, SAC and Ramsar Site as a result of the development.

#### **Condition 17**

The first reserved matters application submitted pursuant to Condition 1 shall be accompanied by a landscaping scheme. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities, planting number of all trees, hedgerows and other landscaping features to be planted, the provision of root protection barriers, a specification of the details for the tree planting pits, the areas to be grassed and the treatment of any hard-surfaced areas. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed. No trees shall be planted within 5 metres of the watercourse.

#### Reason

To ensure a satisfactory and well-planned development and to preserve, enhance the quality of the environment and to enhance the biodiversity of the area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived and any trees within 5 metres of the waterway may have the potential to impact on the structural integrity of the waterway structure.

#### **Condition 18**

The landscaping scheme submitted in accordance with Condition 18 shall include a timetable for planting and maintenance schedules and shall be completed no later than the first planting season following the completion of the development. If within a period of five years from the date of planting any trees, shrubs or other plants, or any tree planted in replacement, are removed, uprooted, destroyed or die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective, they shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

#### Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

#### **Condition 19**

Notwithstanding the submitted details, no development, shall be commenced on the site or machinery or material brought onto the site for the purpose of development until full details regarding adequate measures to protect trees have been submitted to and approved in writing by the Local Planning Authority. This shall include:

A. Fencing. Protective fencing must be installed around trees to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this

has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development,

- B. Tree Protection Zone (TPZ) The area around trees and hedgerows enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, siting of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ. The TPZ shall be maintained during the course of development.
- C. Trees with bat roosting potential as identified in section 2.4 of the Preliminary Ecological Appraisal with Preliminary Roost Assessment, dated 30/4/2018, published 23/10/2018, prepared by Focus Ecology Ltd shall be retained and protected in accordance with BS5837:2012.

#### Reason

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

#### **Condition 20**

The first reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a recycling strategy for the site that accords with the approved waste strategy for the site. Provision must include appropriate and adequate space to allow for the separate storage of recyclable waste materials. The reserved matters application for each phase shall include details of waste storage provision for that phase which shall in general accord with the approved recycling strategy and the development shall be carried out in accordance with the approved details.

#### Reason

To ensure the effective implementation of waste minimisation.

#### Condition 21

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

#### Reason

To protect the amenity of local residents in accordance with policy SD4 and SD14 of Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017).

#### **Condition 22**

During the construction period (including demolition and preparatory groundworks), no mobile plant or vehicles shall be operated on the site other than those with a "white noise' type reversing warning alarm system, or an alternative system submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of development to protect the amenity of local residents.

#### **Condition 23**

No development shall commence on site (including demolition and preparatory groundworks), until a Dust Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP shall specify detailed measures relating to the minimisation and control of dust emissions from the groundworks/demolition/construction phases, in accordance with Guidance on the assessment of dust from demolition and construction - Institute of Air Quality Management (2014). The DMP shall specify mitigation measures in respect of minimisation and control of dust emissions from the proposed development site. The approved Plan shall be adhered to throughout the construction period.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of development to protect the amenity of local residents.

#### **Condition 24**

No development shall start until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i. Detailed drawings of the pedestrian improvements including streetlighting to Naas Lane as indicatively shown on drawing no. 114 "Site Access Strategy";
- ii. Detailed drawings of the vehicle Access as indicatively shown on drawing no. 100 Rev C;
- iii. Detailed drawings of the Vehicle Priority System as indicatively shown on drawing no. 105 Rev A; and
- iv. Detailed drawings of the improvements to Public Right of Way EQU19 as indicatively shown on drawing no. 241-P-014
- v. Arrangements for the maintenance of the highway works.

No dwelling shall be occupied until the works have been completed in accordance with the approved details, are open to the public and arrangements have been made for the maintenance of the highway works.

#### Reason

In the interest of highway safety and to ensure that all road works associated with the proposed development are planned; approved in good time (including any statutory processes); undertaken to a standard approved by the Local Planning Authority and are completed before occupation.

#### **Condition 25**

Prior to commencement of the development hereby permitted details of a construction management plan or construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic:
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway; o Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

#### Reason

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

#### **Condition 26**

No dwelling hereby permitted shall be occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

#### Reason

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling.

#### **Condition 27**

Prior to the first occupation of any dwelling hereby approved, appropriate cabling and an outside electrical socket must be supplied for that dwelling to enable an outside electrical socket must be supplied for that dwelling to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). For those parts of the development with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided to be operational at first occupation of the relevant dwelling. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and must be provided with a locking waterproof cover if located externally to the building. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

#### Reason

To promote sustainable travel and healthy communities.

#### **Condition 28**

The first reserved matters application for any given phase (or part phase) submitted pursuant to Condition 1 shall include the submission of a Housing Mix Statement to the Local Planning Authority for its written approval setting out, in respect of that phase, how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission of the relevant reserved matters. The development shall be implemented in accordance with the approved Housing Mix Statement for that phase (or part phase).

#### Reason

To ensure an appropriate mix of dwellings in line with the identified need of the area to contribute to a mixed and balanced community and balanced housing market in accordance with Policy SD11 of the Adopted Joint Core Strategy (December 2017).

#### Note 1

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding. Detailed discussions and negotiations have been undertaken with the applicant in relation to the proposals, conditions and planning obligations.

# Note 2 (Works on the public highway)

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at highwaylegalagreements@gloucestershire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee iii. Approving the highway details
- iii. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

# Note 3 (Public Rights of Way)

- 1) There is a public right of way running through the site, the applicant will be required to contact the PROW team to arrange for an official diversion, if the applicant cannot guarantee the safety of the path users during the construction phase then they must apply to the PROW department on 08000-514514 or highways@gloucestershire.gov.uk to arrange a temporary closure of the right of way for the duration of any works.
- 2) We advise you to seek your own independent legal advice on the use of the public right of way for vehicular traffic.
- 3) The site is traversed by a public right of way and this permission does not authorise additional use by motor vehicles, or obstruction, or diversion.

# Note 4 (Impact on the highway during construction)

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

# Note 5 (Construction Environmental Management Plan (CEMP))

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

Date: 4<sup>th</sup> March 2021

**City Growth & Delivery Manager** 

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET